

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

SINGULARDTV, GMBH,

Plaintiff,

v.

ZACHARY LEBEAU and KIMBERLY  
JACKSON,

Defendants.

Case No. 1:21-cv-10130

**DECLARATION OF BENJAMIN J. A. SAUTER IN OPPOSITION TO  
DEFENDANTS' MOTION TO DISMISS AMENDED COMPLAINT**

I, Benjamin J. A. Sauter, Esq., pursuant to 28 U.S.C. § 1746 and Local Rule 6.1(d), hereby declare under penalty of perjury that the following is true and correct to the best of my knowledge and belief:

1. I am an attorney duly admitted to practice law in the State of New York. I am a member of the bar of the State of New York. I am currently a partner and attorney with Kobre & Kim LLP ("Kobre & Kim"), located at 800 Third Avenue, New York, New York 10022. Kobre & Kim is counsel for SingularDTV GmbH ("SingularDTV" or the "Company") in this action.

2. I make this declaration in opposition to Defendants' Motion to Dismiss SingularDTV's Amended Complaint (the "Motion," Dkt. No. 91).

3. A true and correct copy of a Suspension Notice issued by the United States Patent and Trademark Office (the "USPTO") and dated February 20, 2018, is attached to this declaration as Exhibit 1.

4. A true and correct copy of a letter submitted to the USPTO by SingularDTV's United States trademark counsel on January 29, 2018, is attached to this declaration as Exhibit

2.

5. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: May 6, 2021  
New York, New York

/s Benjamin J. A. Sauter  
Benjamin J. A. Sauter